

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 14896 of 2007(W)

PETITIONER:

HUTCHISON ESSAR CELLULAR LTD.,
ASHISH BUILDING, COCHIN-31., REPRESENTED BY ITS
LEGAL MANAGER, RAJESH, MELETH VEETTIL,
AGED 36 YEARS, S/O.RAGHAVAN, MELETHVEETTIL.

BY ADV. SRI.P.SATHISAN

RESPONDENTS:

1. KODUR GRAMA PANCHAYATH,
REPRESENTED BY SECRETARY, KODUR P.O.,
MALAPPURAM.
2. DIRECTOR OF PANCHAYATH,
THIRUVANANTHAPURAM.
3. SECRETARY, LOCAL ADMINISTRATION,
SECRETARIAT, THIRUVANANTHAPURAM.

R1 BY ADV. SMT.JAYASREE MANOJ
SRI.M.RISHIKESH SHENOY

R2-R3 BY GOVT. PLEADER MR.K.J.MOHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C. KURIAKOSE,J.

W.P.(C) No.14896 of 2007

Dated: 25th September, 2007

JUDGMENT

Under challenge in this Writ Petition is Ext.P4 by which the Panchayat has cancelled the N.O.C. which had been issued to the petitioner for installation of a mobile telephone tower within the area of the 1st respondent-Panchayat. Ext.P4 is impugned on various grounds including the ground that it is without hearing the petitioner that Ext.P4 has been passed. Even though in the counter affidavit filed on behalf of the Panchayat, it is claimed that Ext.P4 is preceded by a hearing, no material has been placed on record to show that the petitioner was actually heard. I therefore quash Ext.P4 and direct the first respondent-Panchayat to take a fresh decision after hearing the petitioner as well as a representative of the persons who had filed the complaint against the proposed mobile tower. It will be open to the petitioner to place reliance on the Division Bench judgment of this court in **Reliance Infocom Ltd. v. Chemanchery Grama Panchayat** (2006(4) KLT 695) and any other authority to support their case against cancellation of Ext.P4. So also it will be open to the complainant to raise all legally available grounds against the proposed mobile tower. Fresh decision as directed above shall be

taken by the Panchayat at the earliest and at any rate within six weeks of receiving copy of this judgment.

The Writ Petition is disposed of as above. No costs.

srd

PIUS C.KURIAKOSE, JUDGE